

Basic Condition Statement

1. INTRODUCTION

1.1 This Basic Conditions Statement has been prepared by Ripley Town Council supported by Rural Action Derbyshire as part of its work on the Ripley Neighbourhood Development Plan on behalf of Ripley Town Council. The parish of Ripley has been designated a qualifying area and the Town Council is a qualifying body.

2. BASIC CONDITIONS

2.1 Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended)

[excluding 2b, c, 3 to 5 as required by 38C(5)] sets out that Neighbourhood Development

Plans must meet the following basic conditions:

(1) The examiner must consider the following —

(a) whether the draft neighbourhood development plan meets the basic conditions (see sub-paragraph (2));

(b) whether the draft neighbourhood development plan complies with the provision made by or under sections 61E(2), 61J and 61L;

(d) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates; and

(e) such other matters as may be prescribed.

(2) A draft neighbourhood development plan meets the basic conditions if—

(a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan;

(d) the making of the neighbourhood development plan contributes to the achievement of sustainable development;

(e) the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);

(f) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations; and

(g) prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.

(6) The examiner is not to consider any matter that does not fall within sub-paragraph (1) (apart from considering whether the draft neighbourhood development plan is compatible with the **Convention rights**).

2.2 Whether the draft Neighbourhood Development Plan meets the basic conditions as required by 1(a) and sub-paragraph 2 is set out in Sections 3 – 7 of this Basic Conditions Statement. The remainder of this Section 2 addresses the requirements under paragraphs 1(b), 1(d), and 1(e).

Paragraph 1(b)

2.3 The provision of 61E(2), 61J and 61L as amended by s38C(5)(b) is a reference to the provision of 38A and 38B. In relation to the provisions of 38 A and 38B the following is submitted:

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38A

- 1) Ripley Town Council is a qualifying body and entitled to submit a Neighbourhood Development Plan (NDP) for its own parish.
- 2) The Ripley NDP expresses policies relating to the development and use of land within the neighbourhood area.
- 3) to 12) are essentially post examination procedures.

38B

1) a) *The period of the NDP is up to 2028 or 15 years. This period has been chose to align the NDP with the dates of the Amber Valley Core Strategy 2027 (suspended at the time of submission) prepared by Amber Valley Borough Council.*

- b) The NDP does not include any provision for excluded development such as national infrastructure.
 - c) The NDP does not relate to more than one neighbourhood area. It relates to the Ripley Neighbourhood Area as designated by Amber Valley Borough Council on 12 April 2012.
- 2) There is no other NDP in place in this neighbourhood area.
 - 3) Refers to conflicts within the NDP.

4) Refers to regulations that the SoS may make relating to NDPs. Such regulations are 2012 No 637 the Neighbourhood Planning (General) Regulations 2012 which have been used to inform the process of making the Ripley NDP. These regulations set out the process by which neighbourhood plans are to be made and set out^[RD1];

- a) the consultation bodies for NDPs. These have been included in the Consultation Statement^[RD2].
- b) NDPs which are likely to have a significant effect on European Sites (habitats) must be subject to an appropriate assessment. The Ripley NDP has been subject to Sustainability Appraisal incorporating the requirements of Strategic Environmental Assessment. The AVBC Core Strategy has undertaken a Habitats Regulations Assessment (HRA). The screening exercise for the Ripley NDP concluded that there are no European sites that would be affected by the proposals within the Ripley NDP, and it was agreed that an HRA was not necessary.
- c) that NDO may be subject to an Environmental Impact Assessment (not relevant for NDPs).

5) Refers to the publication of NDPs^[RD3].

6) Clarifies what is excluded development.

Paragraph 1(d)

2.4 It is not considered that there is any benefit in extending the area for the referendum beyond the Designated Neighbourhood Plan Area.

Paragraph 1(e)

2.5 There are no other prescribed matters.